

HOUSE BILL NO. 31

INTRODUCED BY A. OLSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTION LAWS TO ALLOW A BALLOT MEASURE APPROVED AT THE SPECIAL SESSION IN AUGUST 2002 TO BE PLACED ON THE BALLOT FOR THE GENERAL ELECTION TO BE HELD IN NOVEMBER 2002; REVISING TIMELINES FOR REVIEWING THE PROPOSED BALLOT MEASURE AND SUBMITTING MATERIAL TO BE INCLUDED IN THE VOTER INFORMATION PAMPHLET; AMENDING SECTIONS 13-27-310, 13-27-312, 13-27-313, 13-27-315, 13-27-403, 13-27-406, 13-27-407, AND 13-27-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-27-310, MCA, is amended to read:

"13-27-310. Transmittal of ballot forms to attorney general. (1) The secretary of state shall transmit a copy of the form in which a ballot issue proposed by petition will appear on the ballot to the attorney general on the same day the completed petition is certified to the governor.

(2) The secretary of state shall transmit a copy of an act referred to the people or a constitutional amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 6 months before the election at which the issue will be voted on by the people on the same day that the act or constitutional amendment is approved.

(3) If the ballot form is not approved by the attorney general pursuant to 13-27-313, the secretary of state shall immediately submit a new ballot form to the attorney general."

Section 2. Section 13-27-312, MCA, is amended to read:

"13-27-312. Review of petition by attorney general -- preparation of statements -- fiscal note. (1) Upon receipt of a petition from the office of the secretary of state pursuant to 13-27-202, the attorney general shall examine the petition as to form and legal sufficiency, as provided in 13-27-202, and, if the proposed ballot issue has an effect on the ~~revenues~~ revenue, expenditures, or ~~the~~ fiscal liability of the state, shall immediately order a fiscal note incorporating an estimate of the effect, the substance of which must substantially comply with

1 the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the
2 petition, is responsible for preparing the fiscal note and shall return it ~~within 6 days unless the attorney general,~~
3 ~~for good cause shown, extends the time for completing the fiscal note on the same day.~~

4 (2) If the petition form is approved, the attorney general shall endeavor to seek out parties on both sides
5 of the issue and obtain their advice. The attorney general shall prepare:

6 (a) a statement, not to exceed 100 words, explaining the purpose of the measure; and

7 (b) statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against
8 the measure.

9 (3) The attorney general shall prepare a fiscal statement of no more than 50 words if a fiscal note was
10 prepared for the proposed ballot issue; ~~such~~ The statement ~~to~~ must be used on the petition and ballot if the
11 measure is placed on the ballot.

12 (4) The statement of purpose and the statements of implication must express the true and impartial
13 explanation of the proposed ballot issue in plain, easily understood language and may not be arguments or
14 written so as to create prejudice for or against the measure.

15 (5) The statement of purpose, unless altered by a court under 13-27-316, is the petition title for the
16 measure circulated by the petition and the ballot title if the measure is placed on the ballot.

17 (6) The statements of implication must be placed beside the diagram provided for marking of the ballot
18 in a manner similar to but not limited to the following example:

19 ☐ FOR extending the right to vote to persons 18 years of age

20 ☐ AGAINST extending the right to vote to persons 18 years of age

21 (7) If the petition is rejected as to form, the attorney general shall forward the comments to the secretary
22 of state within 21 days after receipt of the petition by the attorney general. If the petition is approved as to form,
23 the attorney general shall forward the statement of purpose, the statements of implication, and the fiscal
24 statement, if applicable, to the secretary of state within 21 days after receipt of the petition by the attorney
25 general.

26 (8) If the petition is approved as to form, within 30 days of the approval, the attorney general shall
27 forward to the secretary of state the determination regarding legal sufficiency, as provided in 13-27-202."

28
29 **Section 3.** Section 13-27-313, MCA, is amended to read:

30 **"13-27-313. Review of ballot forms by attorney general.** The attorney general shall examine each

1 ballot form submitted to ~~his~~ the attorney general's office pursuant to 13-27-310 and within ~~20~~ 2 days, including
2 weekends, of receipt of the ballot form shall notify the secretary of state of ~~his~~ the approval or rejection of the
3 ballot form. If the ballot form is rejected, the attorney general shall approve or reject a new ballot form submitted
4 by the secretary of state pursuant to 13-27-310(3) within ~~5 days~~ 1 day of receiving the new form."

5

6 **Section 4.** Section 13-27-315, MCA, is amended to read:

7 **"13-27-315. Statements by attorney general on issues referred by legislature.** (1) Upon receipt of
8 a copy of a ballot form under 13-27-310(2) for an issue proposed by the legislature, the attorney general shall
9 immediately order a fiscal note as provided in 13-27-312(1) if the issue has an effect on the ~~revenues~~ revenue,
10 expenditures, or ~~the~~ fiscal liability of the state. At the same time the explanatory statement is prepared under
11 subsection (2), the attorney general shall prepare a fiscal statement of no more than 50 words to be forwarded
12 to the secretary of state at the same time as the explanatory statement.

13 (2) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the
14 approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward
15 to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of
16 the purpose of the measure in plain, easily understood language. The statement may not be an argument and
17 may not be written to create a prejudice for or against the issue. The statement prepared under this section is
18 known as the attorney general's explanatory statement.

19 (3) If statements of the implication of a vote for or against a ballot issue have not been provided by the
20 legislature, the attorney general shall prepare the statements. Requirements for statements of implication for
21 ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues.
22 Statements of implication prepared by the attorney general must be returned to the secretary of state no later
23 than the time specified for approval of the ballot form."

24

25 **Section 5.** Section 13-27-403, MCA, is amended to read:

26 **"13-27-403. Appointment to committee.** (1) Except as provided in subsection (2), appointments to
27 committees advocating approval or rejection of an act referred to the people, a constitutional amendment
28 proposed by the legislature, or a ballot measure referred to the people by referendum petition or proposed by
29 any type of initiative petition must be made no later than 1 ~~week~~ day, including weekend days, prior to the
30 deadline for filing arguments on the ballot issue under 13-27-406.

(2) Appointments to committees advocating approval or rejection of a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition must be made no later than 1 ~~week~~ day before the deadline for filing arguments on the ballot issue under 13-27-406. All persons responsible for appointing members to the committee shall submit to the secretary of state the names and addresses of the appointees no later than the date set by this subsection. The submission must include the written acceptance of appointment from each appointee required by section 13-27-402(6). If an appointment is not made by the required time, the committee members that have been appointed may fill the vacancy by unanimous written consent up until the deadline for filing the arguments.

(3) ~~Within 5 days after receiving notice under subsection (2), but not later than 5 days after the deadline set for appointment of committee members, the~~ The secretary of state shall immediately notify the appointees to a committee appointed pursuant to subsection (1) or (2) by certified mail, with return receipt requested, of the deadlines for submission of the committee's arguments."

Section 6. Section 13-27-406, MCA, is amended to read:

"13-27-406. Limitation on length of argument -- time of filing. An argument advocating approval or rejection of a ballot issue is limited to a single side of a single 7 1/2-inch by 10-inch page and must be filed, in a black-and-white, camera-ready format, with the secretary of state no later than ~~105~~ 3 days, ~~before the election at which the issue will be voted on by the people~~ including weekends, after the act or constitutional amendment is approved. The argument must consist solely of written material prepared by the committee and may not consist of pictures, clippings, or other material. The written material must be prepared in the font and type style required by the secretary of state. With the goal of achieving readability and uniformity, the secretary of state shall prescribe a commonly used font and type style. A majority of the committee responsible for preparation shall approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline."

Section 7. Section 13-27-407, MCA, is amended to read:

"13-27-407. Rebuttal arguments. The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue. The committees may prepare rebuttal arguments no longer than one-half the size of the arguments under 13-27-406 that must be filed, in a

1 black-and-white, camera-ready format, with the secretary of state no later than ~~40~~ 2 days, including weekends,
2 after the deadline for filing the original arguments. The argument must consist solely of written material prepared
3 by the committee and may not consist of pictures, clippings, or other material. The written material must be
4 prepared in the font and type style required by the secretary of state. With the goal of achieving readability and
5 uniformity, the secretary of state shall prescribe a commonly used font and type style. Discussion in the rebuttal
6 argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument
7 must be approved and signed by a majority of the committee responsible for its preparation. Separate signed
8 letters of approval may be submitted in the same manner as for the original arguments."

9
10 **Section 8.** Section 13-27-501, MCA, is amended to read:

11 **"13-27-501. Secretary of state to certify ballot form -- abbreviated ballot.** (1) The secretary of state
12 shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time
13 ~~as he~~ that the secretary of state certifies the names of the persons who are candidates for offices to be filled at
14 the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election
15 is to appear on the ballot.

16 (2) Except as provided in subsection (4), the secretary of state shall list for each issue:

17 (a) the number;

18 (b) the method of placement on the ballot;

19 (c) the title;

20 (d) the attorney general's explanatory statement if applicable;

21 (e) the fiscal statement if applicable; and

22 (f) the statements of the implication of a vote for or against the issue that are to be placed beside the
23 diagram for marking the ballot.

24 (3) When required to do so, the secretary of state shall use for each ballot issue the title of the
25 legislative act or legislative constitutional proposal or the title provided by the attorney general or district court.
26 Following the number of the ballot issue, the secretary of state, when required to do so, shall include one of the
27 following statements to identify why the issue has been placed on the ballot:

28 (a) an act referred by the legislature;

29 (b) an amendment to the constitution proposed by the legislature;

30 (c) an act of the legislature referred by referendum petition; or

1 (d) a law or constitutional amendment proposed by initiative petition.

2 (4) The county election administrator may, ~~at least 14 days~~ prior to the deadline for ballot certification
3 by the secretary of state, request in writing that ~~he~~ the election administrator be furnished an abbreviated form
4 of the certified ballot. The secretary of state shall furnish to all counties from which ~~he~~ the secretary of state has
5 received ~~such~~ a request a certified ballot containing only the information in subsections (2)(a), (2)(e), and (2)(f).
6 If the county election administrator requests that the abbreviated ballot be prepared, copies of the information
7 contained in subsections (2)(a) through (2)(f) must be distributed to each elector by an election judge as the
8 elector enters the polling place."

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10 NEW SECTION. **Section 9. Effective date.** [This act] is effective on passage and approval.

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12 NEW SECTION. **Section 10. Termination.** [This act] terminates October 1, 2002.

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